REMARKS/ARGUMENTS

Claims 1 to 11 remain pending in the application. Claim 1 has been amended. The Applicant thanks the Examiner for taking the time to briefly discuss on June 8, 2007 the claim amendment. For the Examiner's convenience, a marked up version of amended claim 1 is presented below:

Claim 1 (marked up)

1. A mobile device for executing at least two applications, having a keyboard, the mobile device comprising:

an input mode selector for receiving, from one of the at least two applications, a signal indicative of a default active input mode in response to execution of the one of the at least two applications and for determining an active input mode of the keyboard of the mobile device in accordance with the received signal indicative of the default active input mode, the keyboard having a plurality of keys, each of the plurality of keys having at least two pre-existing indicia depicted thereon; and

a backlight controller responsive to the active input mode provided by the input mode selector for controlling at least one light source to selectively illuminate one of the at least two pre-existing indicia on the plurality of keys, the illuminated indicia defining an active portion of the keyboard of the mobile device.

Claim 1 has been amended in order to amplify the description of some of the features of the present invention. The clauses relating to the input made selector and the backlight controller have been amended to clarify that they operate in relation to a keyboard of a mobile device. Amended claim 1 now also specifies certain features of the keyboard with respect to which the default active input mode is determined. The keyboard has a plurality of keys, each of the plurality of keys having at least two pre-existing indicia depicted thereon. This feature is provided in order to provide a basis for the further feature, which now specifies that the backlight controller controls at least one light source to *selectively illuminate one of the at least two pre-existing indicia on the plurality of keys, the illuminated indicia defining an active portion of the keyboard*.

Applicant submits that the amendment to claim 1 is fully supported by the specification as filed, at least in paragraphs [0009], [0013], [0014] , [0015] and [0019] as well as in Figures 5-6 and 11-12. These portions describe selectively illuminating portions of the keyboard or portion of keys corresponding to selected indicia. The Figures clearly show that the indicia are pre-existing on the keys prior to the selective illumination of the keys.

The Examiner rejected claims 1 to 5, 7 and 9 to 11 under 35 U.S.C.102(b) as being anticipated by Acevedo, U.S. Patent No. 5,818,361 (hereinafter "Acevedo").

Acevedo teaches a display keyboard, including a plurality of display keys. Each display key has a liquid crystal display, light emitting diode display, or other display, situated thereon for depicting alphanumeric characters and indicia. A conventional computer is connected to the keyboard and adapted to depict via the display keys characters and indicia relevant to the function of the key during a current software application. The display keys that are not relevant to the software can be rendered blank. The display on each display key is essentially blank unless the computer uses display software to depict a particular character on the key.

Acevedo does not have any pre-existing indicia or characters on the display keys. The display keys, referred to by reference character 12 in Fig. 1 of Acevedo, are the keys that are selectively illuminated. Acevedo also describes a plurality of function keys 14 with conventional indicia imprinted thereon, but selective illumination of those keys is never discussed or suggested. As such, Acevedo clearly describes the selective illumination of the display keys, on which there are no pre-existing indicia, and does not even contemplate the selective illumination of the function keys on which there are pre-existing indicia. As such, Acevedo cannot teach selective illumination of one of at least two pre-existing indicia on a plurality of keys on a keyboard of a mobile device, as presently claimed.

The Examiner states that Acevedo teaches a backlight controller, citing column 3 lines 1-10 and stating that the existence of a light controller in this case is inherent. Column 4, lines 22-24 of Acevedo state that each of the display keys may be equipped with a light to allow the utilization thereof in the absence of ambient light. With respect, though these portions of Acevedo teach either a display control for each display key or a contrast/brightness control for each display key, they do not teach a backlight controller for controlling at least one light source to selectively illuminate one of at least two pre-existing indicia on a plurality of keys.

The Examiner states that Acevedo teaches a mobile device, referring to Figure 1, keyboard 10. With respect, Acevedo teaches the opposite of a mobile device, namely a display keyboard system 10 that includes a standard keyboard (referred to using reference numerals 11 and 12), which is in turn connected to a computer 15 as shown in Figure 5 of Acevedo. The Abstract of Acevedo also teaches that a conventional computer is connected to the keyboard and adapted to depict via the display keys characters and indicia relevant to the function of the key during a current software application. Therefore, Acevedo clearly does not teach or suggest a mobile device with selective illumination of one of at least two pre-existing indicia on a plurality of keys.

Moreover, it is not reasonable or practical to use in a mobile device the display key technology as taught by Acevedo. Keys on a mobile device keyboard are smaller and have a different form factor than those of a conventional keyboard. Having a plurality of display keys on a mobile device would involve additional cost for the circuitry required to control the display of each display key in a sufficient manner to display a character that can be visually perceived. The displays themselves on the display keys add further cost. There are additional power requirements with respect to lighting up a separate display for each display key, rather than simply selectively illuminating a pre-existing indicia. Since each display key in Acevedo can have a different character or indicia, and therefore a different function based on the running software application, there is additional processing power required to update the mapping of they keys each time the depicted character is changed. While such processing power is abundant on a conventional computer as contemplated in Acevedo, it is much less so on a mobile device, which typically has a limited battery life. As such, due to the increased cost, power consumption and processing power involved in the display key technology of Acevedo, it cannot be contemplated for use in a mobile device.

As such, it is submitted that Acevedo does not, and cannot, teach selective illumination of one of at least two pre-existing indicia on a plurality of keys on a keyboard of a mobile device, as presently claimed in claim 1. Regarding claims 2-5, 7 and 9-11, these claims all include the further features of claim 1 by virtue of their dependence on claim 1. Withdrawal of the rejection under 35 U.S.C.102(b) is respectfully requested.

The Examiner rejected claim 6 under 35 U.S.C.102(a) as being unpatentable over Acevedo, in light of Muurinen U.S. Patent No. 5,408,060 (hereinafter “Muurinen”). The Examiner also rejected claim 8 under 35 U.S.C.102(a) as being unpatentable over Acevedo.

Muurinen teaches an illuminated keyboard in which each key is provided with symbols or areas of color which denote different modes of operation. The symbols or areas are selectively illuminated, such as by using a light pipe, depending upon which mode is selected. However, Muurinen does not teach an input mode selector to receive a signal indicative of a default active input mode in response to execution of one of at least two applications that can be executed on the mobile device. As mentioned in previous correspondence, column 3, lines 10 and 11 of Muurinen state: *"The mode of operation is changed with the push button 16 (FCN)."* This teaches away from the claimed invention which automatically determines an active input mode of the keyboard in accordance with a received signal indicative of the default active input mode, the received signal being received from one of the at least two applications. Column 4, lines 46 to 51 of Muurinen also describe changing the mode of operation using the function key 16 and do not suggest any other way of changing the input mode. Muurinen also cannot teach a back light controller responsive to the active input mode provided by the input mode selector to selectively illuminate one of at least two pre-existing indicia on a plurality of keys, since it does not have or contemplate an input mode selector as claimed.

As such, in view of the above discussion of Muurinen, as well as the earlier discussion of Acevedo, it is submitted that currently amended claim 1 is not obvious in light of the cited references, either alone or in combination. It has already been established that the display key technology of Acevedo is not suitable for use in a mobile device, and therefore attempting to combine it with Muurinen cannot yield the invention as claimed. Claims 6 and 8, as well as the other dependent claims, are dependent on currently amended claim 1 and include all of its features and limitations. Therefore, by virtue of inclusion of those limitations, Applicant submits that claims 6 and 8, as well as all of the claims, are patentable in view of the cited references.

Accordingly, Applicant respectfully requests that the rejections of claims 6 and 8 under 35 U.S.C. 103(a) be withdrawn.

Applicant submits that the application is now in condition for allowance and earnestly solicits action to that end.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

Mihal LAZARIDIS, et al

By: /Curtis B. Behmann/

Curtis B. Behmann
Reg. No. 52,523
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 787-3596
Fax: (613) 787-3558
E-mail: cbehmann@blgcanada.com

CBB/cf